

AMENDED IN ASSEMBLY AUGUST 28, 2006  
AMENDED IN ASSEMBLY AUGUST 22, 2006  
AMENDED IN ASSEMBLY MAY 8, 2006  
AMENDED IN ASSEMBLY APRIL 18, 2006  
AMENDED IN ASSEMBLY FEBRUARY 27, 2006  
AMENDED IN ASSEMBLY JANUARY 25, 2006  
AMENDED IN ASSEMBLY AUGUST 15, 2005  
AMENDED IN SENATE JUNE 1, 2005  
AMENDED IN SENATE MAY 31, 2005

**SENATE BILL**

**No. 472**

---

**Introduced by Senator Alquist**

(Principal coauthor: Assembly Member Chu)

**(Coauthors: Senators Bowen, Kuehl, and Romero)**

(Coauthors: Assembly Members Bermudez, Chavez, Jones, Lieu, and Pavley)

February 18, 2005

---

An act to amend Sections 99231, 99233, 99234, 99235, 99237, 99240, and 99242 of, to add Section 99237.5 to, and to repeal Sections 99234.5, 99238, and 99241 of, the Education Code, relating to instructional programs, ~~making an appropriation therefor, and declaring the urgency thereof, to take effect immediately. and making an appropriation therefor.~~

## LEGISLATIVE COUNSEL'S DIGEST

SB 472, as amended, Alquist. Instructional programs: Mathematics and Reading Professional Development Program.

Existing law establishes the Mathematics and Reading Professional Development Program, which is administered by the Superintendent of Public Instruction with the approval of the State Board of Education. Under this program, a local education agency, as defined, receives incentive funding to provide training in mathematics and reading to teachers and to provide training to instructional aides and paraprofessionals, as defined, who directly assist with classroom instruction in mathematics and reading. Under existing law, the program becomes inoperative on July 1, 2006, and is repealed on January 1, 2007.

This bill would extend the operation of the program until July 1, 2012, when the program would become inoperative. The bill would provide for the repeal of these provisions on January 1, 2013.

This bill also would remove the authority of the Superintendent of Public Instruction to allocate funding for training at a California Professional Development Institute. The bill would repeal the provisions granting priority for participation in the program to teachers who have not participated in professional development at a California Professional Development Institute, or have received this training but have not participated in supplemental training regarding the math and English language arts content standards and curriculum frameworks adopted by the State Board of Education.

This bill would add, to the subjects of provider-contracted professional development training and in-house professional development that a local education agency must certify that its proposal satisfies as a condition of receiving specified funding, training using instructional strategies to teach essential content to address the varied learning needs of pupils, with an emphasis on English language learners and pupils with exceptional needs. The bill would specify that the 40 hours of the professional development that a local education agency must certify has occurred has been based on the statewide academic content standards and related adopted or standards-aligned instructional materials.

This bill would remove the provisions allowing a school district, charter school, or county office of education to claim funding under a program that has been repealed. This bill would repeal the provisions

requiring the State Board of Education to determine whether professional development programs not operated pursuant to the California Professional Development Institute meet minimum criteria. The bill would also repeal the provision authorizing the State Board of Education to contract for the review of certified assurances by local education agencies regarding training.

The bill would require the State Department of Education to provide funding to local education agencies, with the approval of the State Board of Education, to provide professional development in reading language arts and mathematics to teachers of English language learner pupils. The bill would require the training providers, as defined, to have knowledge of the English language arts content standards, the mathematics content standards, the English language development standards, second language acquisition skills, and a thorough knowledge of specified instructional materials.

The bill would require the Superintendent of Public Instruction to provide funding, from a specified item of the Budget Act of 2006, to provide eligible elementary and secondary teachers with 40 hours of instruction, follow up instruction, and support in specified areas. The bill would authorize the provision of funding under this program to all local education agencies, and would establish priorities and eligibility standards for the provision of this funding.

The bill would require the Superintendent of Public Instruction to appoint an advisory committee, consisting of at least 8 members, in order to ensure the quality and effectiveness of specified training provided under the bill. The bill would specify the qualifications required of the members of the advisory committee, as well as the general subject matter of the recommendations to be received by that committee.

This bill would delete a provision requiring cooperation between the State Department of Education and the University of the California and the California Professional Development Institute regarding a report by the State Department of Education on the effectiveness of the program. The bill would add survey data regarding program effectiveness and preprogram and postprogram pupil achievement, as well as retention rates of teachers, instructors, and paraprofessionals who participated in the program training, to the requirements for the report contents.

This bill would repeal the provisions authorizing professional development through this program to be provided through the

California Professional Development Institute and related funding. The bill would also repeal a provision providing authority for this professional development to be provided at sites not located on a college or university campus.

This bill would express the intent of the Legislature to ensure that specified program training does not solely rely on state-adopted instructional materials to teach statewide academic content standards, and also express the intent of the Legislature to work with the State Board of Education and State Department of Education to achieve these goals.

The bill would also make various technical and conforming changes to the statutes governing the program.

The bill would appropriate \$120,000, without regard to fiscal year, from the General Fund to the Superintendent of Public Instruction for the purposes of the administration, by the State Department of Education, of the program, and would authorize the establishment of a position in the department for these purposes.

~~The bill would declare that it is to take effect immediately as an urgency statute.~~

Vote:  $\frac{2}{3}$ -majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 99231 of the Education Code is  
2 amended to read:  
3 99231. For the purpose of this article, the following terms  
4 have the following meanings:  
5 (a) "Instructional aide" means a person who is employed on  
6 either a full-time or a part-time basis for the purpose of directly  
7 assisting with classroom instruction in mathematics or reading in  
8 a California public school in which kindergarten or any of grades  
9 1 to 12, inclusive, are taught and who does not possess a valid  
10 teaching credential, certificate, authorization, or permit issued by  
11 the Commission on Teacher Credentialing and does not include a  
12 paraprofessional, as defined in subdivision (b).  
13 (b) "Paraprofessional" means a teacher aide, a teacher  
14 assistant, or a speech language pathology assistant who is  
15 employed on either a full-time or a part-time basis for the  
16 purpose of directly assisting with classroom instruction in

1 mathematics or reading in a California public school in which  
2 kindergarten or any of grades 1 to 12, inclusive, are taught and  
3 who does not possess a valid teaching credential, certificate,  
4 authorization, or permit issued by the Commission on Teacher  
5 Credentialing.

6 (c) “Instructional materials that are aligned to state standards”  
7 means, for kindergarten and grades 1 to 8, inclusive, materials  
8 adopted by the state board after January 1, 2001, unless  
9 otherwise authorized by the state board. For grades 9 to 12,  
10 inclusive, “instructional materials that are aligned to state  
11 standards” means materials that the governing board of the local  
12 education agency has, after careful review, certified are aligned  
13 to the state mathematics or reading content standards and the  
14 curriculum frameworks for these subjects.

15 (d) “Local education agency” means a school district, county  
16 office of education, state special school, or charter school.

17 (e) “Teacher” means a person who holds a valid teaching  
18 credential, certificate, authorization, or permit issued by the  
19 Commission on Teacher Credentialing and is employed on either  
20 a full-time or a part-time basis in a California public school in  
21 which kindergarten or any of grades 1 to 12, inclusive, are  
22 taught.

23 SEC. 2. Section 99233 of the Education Code is amended to  
24 read:

25 99233. (a) This program is intended to serve the following  
26 categories of staff:

27 (1) Teachers employed in a public school for the purpose of  
28 teaching in a self-contained classroom that serves pupils in  
29 kindergarten or any of grades 1 to 8, inclusive. Teachers  
30 described in this paragraph are eligible to receive instruction in  
31 both mathematics and reading.

32 (2) Teachers employed in a public school for the purpose of  
33 providing mathematics or reading instruction to pupils with  
34 exceptional needs. Teachers described in this paragraph are  
35 eligible to receive instruction in both mathematics and reading.

36 (3) Teachers who hold a single-subject teaching credential,  
37 certificate, or authorization issued by the Commission on  
38 Teacher Credentialing that authorizes them to teach English or  
39 social science in a classroom that is not self-contained and who

1 are employed in a public school. Teachers described in this  
2 paragraph are eligible to receive instruction in reading.

3 (4) Holders of one-year emergency teaching permits and  
4 emergency career substitute teaching permits who are employed  
5 in a public school and assigned to teach English or social science  
6 courses in a classroom that is not self-contained. Teachers  
7 described in this paragraph are eligible to receive instruction in  
8 reading.

9 (5) Teachers who hold a single-subject teaching credential,  
10 certificate, or authorization issued by the Commission on  
11 Teacher Credentialing that authorizes them to teach mathematics  
12 or science in a classroom that is not self-contained and who are  
13 employed in a public school. Teachers described in this  
14 paragraph are eligible to receive instruction in mathematics.

15 (6) Holders of one-year emergency teaching permits and  
16 emergency career substitute teaching permits who are employed  
17 in a public school and assigned to teach mathematics or science  
18 courses in a classroom that is not self-contained. Teachers  
19 described in this paragraph are eligible to receive instruction in  
20 mathematics.

21 (7) Instructional aides and paraprofessionals who directly  
22 assist with classroom instruction in mathematics or reading who  
23 are employed in a public school for the purpose of assisting  
24 teachers in the instruction of pupils in kindergarten or any of  
25 grades 1 to 12, inclusive. Instructional aides and  
26 paraprofessionals who directly assist with classroom instruction  
27 in mathematics or reading, as described in this subdivision, are  
28 eligible to receive instruction in mathematics or reading.

29 (b) Holders of emergency 30-day substitute teaching permits  
30 issued by the Commission on Teacher Credentialing are not  
31 eligible to receive training offered pursuant to this article.

32 SEC. 3. Section 99234 of the Education Code is amended to  
33 read:

34 99234. (a) (1) The Superintendent shall notify local  
35 educational agencies that they are eligible to receive an incentive  
36 award based on the percentage of eligible teachers calculated in  
37 accordance with provisions of an item of appropriation in the  
38 annual Budget Act. It is the intent of the Legislature that a local  
39 educational agency give highest priority to training teachers who  
40 are new to the teaching profession, who are assigned to

1 high-priority schools, who are assigned to schools that are under  
2 state sanctions as specified under Section 52055.5 or 52055.650,  
3 or who have recently changed teaching assignments.

4 (2) It is also the intent of the Legislature that funding  
5 appropriated in one fiscal year that is not expended by a local  
6 educational agency be redirected to local educational agencies  
7 that have trained more eligible teachers than the percentage  
8 funded. If a redirection of funding occurs, funding in subsequent  
9 fiscal years for the local educational agencies involved shall be  
10 adjusted to reflect the redirection of funding.

11 (b) A school district that cannot make the certification  
12 required pursuant to paragraph (3) of subdivision (a) of Section  
13 99237 for all the grade levels it maintains in mathematics or  
14 reading may apply for and receive incentive funding for the  
15 grade levels and subjects for which it can make the certification  
16 required pursuant to paragraph (3) of subdivision (a) of Section  
17 99237, in which case the certified assurance submitted pursuant  
18 to Section 99237 applies only to the professional development  
19 provided to teachers, instructional aides, and paraprofessionals  
20 who directly assist with classroom instruction in mathematics or  
21 reading in the grade levels and subjects for which it can make the  
22 certification required pursuant to paragraph (3) of subdivision (a)  
23 of Section 99237.

24 (c) Of the incentive provided pursuant to subdivision (a), a  
25 local educational agency may use not more than one thousand  
26 dollars (\$1,000) of the per teacher per subject amount to provide  
27 an individual teacher stipend.

28 (d) The Superintendent shall notify local educational agencies  
29 that the maximum funding for the purpose of this article for  
30 which they are eligible each year is equal to the percentage  
31 calculated in accordance with provisions of an item of  
32 appropriation in the annual Budget Act, multiplied by the sum of  
33 the following two factors multiplied by two thousand five  
34 hundred dollars (\$2,500):

35 (1) Twice the number of multiple subjects teachers teaching in  
36 a self-contained classroom and special education teachers, as  
37 specified in paragraphs (1) and (2) of subdivision (a) of Section  
38 99233, that provide direct instruction in mathematics or reading  
39 as reported in the most recent available CBEDS data, who have

1 not received training pursuant to either this article or Article 2  
2 (commencing with Section 99220).

3 (2) The number of mathematics, English, science, and social  
4 science teachers, as specified in paragraphs (3) to (6), inclusive,  
5 of subdivision (a) of Section 99233 that were reported in the  
6 most recent available CBEDS data, who have not received  
7 training pursuant to either this article or Article 2 (commencing  
8 with Section 99220).

9 (e) The Superintendent shall allocate funding appropriated for  
10 the purposes of this article in the following order of priority:

11 (1) Two thousand five hundred dollars (\$2,500) for each  
12 qualifying teacher who was provided training pursuant to  
13 subdivision (a) in the prior year for whom the local educational  
14 agency did not receive funding due to insufficient availability of  
15 funds in the prior fiscal year.

16 (2) Two thousand five hundred dollars (\$2,500) for each  
17 qualifying teacher who was provided training pursuant to this  
18 article, subject to the limitations in subdivision (d).

19 (3) Two thousand five hundred dollars (\$2,500) for each  
20 qualifying teacher who was provided training pursuant to this  
21 article in excess of limitations in subdivision (d).

22 (f) Funding may not be provided to a local educational agency  
23 until the state board approves the certified assurance of the  
24 agency submitted pursuant to subdivision (a) of Section 99237.

25 (g) Of the funding a local educational agency is eligible to  
26 receive pursuant to this section for each eligible teacher, 50  
27 percent shall be awarded following the provision of 40 hours of  
28 professional development based on the statewide academic  
29 content standards adopted pursuant to Section 60605, the  
30 Mathematics and Reading/English Language Arts frameworks  
31 adopted by the State Board of Education, and instructional  
32 materials adopted by the state board or standards-aligned  
33 instructional materials, as specified in subdivision (b) of Section  
34 99237, with the remaining funding to be awarded following  
35 certification of the provision of the 80 hours of followup  
36 instruction as specified in subdivision (b) of Section 99237. The  
37 80 hours of training may be completed over a two-year period.

38 (h) A local educational agency may not receive funds pursuant  
39 to this article for teachers who receive training pursuant to



1 Article 2 (commencing with Section 99220) using funding  
2 provided pursuant to that article.

3 SEC. 4. Section 99234.5 of the Education Code is repealed.

4 SEC. 5. Section 99235 of the Education Code is amended to  
5 read:

6 99235. (a) The Superintendent of Public Instruction shall  
7 notify local educational agencies that they are eligible to receive  
8 funding to provide instructional aides and paraprofessionals who  
9 directly assist with classroom instruction in mathematics or  
10 reading with professional development training in mathematics  
11 or reading, in an amount equal to one thousand dollars (\$1,000)  
12 per qualifying instructional aide. Funding will be provided to  
13 local educational agencies on a first-come-first-served basis. A  
14 local educational agency that chooses to participate in the  
15 program is eligible to receive funding for no greater than the  
16 percentage calculated in accordance with provisions of an item of  
17 appropriation in the annual Budget Act for its instructional aides  
18 and paraprofessionals. However, the statewide total number of  
19 instructional aides and paraprofessionals who directly assist with  
20 classroom instruction in mathematics and reading served under  
21 this program may not exceed 9,600 over two consecutive fiscal  
22 years.

23 (b) Of the incentive provided pursuant to subdivision (a), a  
24 local educational agency may not use more than five hundred  
25 dollars (\$500) of the amount per instructional aide or  
26 paraprofessional who directly assists with classroom instruction  
27 in mathematics or reading to provide an individual instructional  
28 aide stipend.

29 SEC. 6. Section 99237 of the Education Code is amended to  
30 read:

31 99237. (a) As a condition of receipt of funds for purposes of  
32 Section 99234 or 99235, a local education agency shall submit a  
33 certified assurance signed by the appropriate agency official and  
34 approved in a public session by the governing body of the agency  
35 to the state board that contains its proposal to satisfy the  
36 following:

37 (1) It contracted with a provider whose training curriculum  
38 was based upon one of the training models outlined in guidelines  
39 and criteria for approval of training providers established by the  
40 State Board of Education, and was approved by the state board,

1 or the local education agency's training curriculum was based  
2 upon one of the training models outlined in guidelines and  
3 criteria for approval of training providers established by the State  
4 Board of Education and approved by the state board. Approval  
5 by the state board of the training curriculum shall be based on the  
6 criteria contained in paragraph (4) and in subdivision (b).

7 (2) It or the provider with whom it contracted provided  
8 professional development training focused primarily on the  
9 following:

10 (A) The mathematics or English language arts content  
11 standards adopted by the state board pursuant to Section 60605.

12 (B) The curriculum frameworks adopted by the state board for  
13 mathematics and English language arts.

14 (C) The use of instructional materials that will be used by  
15 pupils and are aligned to the mathematics or English language  
16 arts content standards adopted by the state board pursuant to  
17 Section 60605.

18 (D) The training shall include instructional strategies designed  
19 to help all pupils gain mastery of the California academic content  
20 standards with special emphasis on English language learners  
21 and pupils with exceptional needs.

22 (3) (A) It provides each pupil with instructional materials that  
23 are aligned to the state content standards in mathematics and  
24 English language arts no later than the first day of the first school  
25 term that commences 12 months or less after those materials are  
26 adopted by the state board in the case of instructional materials  
27 for kindergarten and grades 1 to 8, inclusive, or by the governing  
28 board of the school district in the case of instructional materials  
29 for grades 9 to 12, inclusive.

30 (B) For local education agencies that are piloting or evaluating  
31 instructional materials that are aligned to the state content  
32 standards in mathematics and English language arts, those  
33 materials shall be provided to each pupil no later than the first  
34 day of the first school term that commences 24 months or less  
35 after those materials were adopted by the state board in the case  
36 of instructional materials for grades 1 to 8, inclusive, or by the  
37 governing board of the school district in the case of instructional  
38 materials for grades 9 to 12, inclusive.

39 (C) If a local education agency has not adopted instructional  
40 materials as required by subparagraph (A) for one or more grade

1 levels because it is piloting or evaluating those instructional  
2 materials, the local education agency may only claim funding  
3 pursuant to Section 99234 for grade levels and subjects where the  
4 local education agency is in compliance with subparagraphs (A)  
5 and (B).

6 (D) For each teacher, in each core area for which funding is  
7 claimed pursuant to this article and for which there are not  
8 standards-aligned textbooks for each pupil, as determined  
9 through an audit, the Superintendent of Public Instruction, on a  
10 one-time basis, shall withhold from the next monthly principal  
11 apportionment payment to the local education agency an amount  
12 equal to one hundred dollars (\$100) for each of those pupils. The  
13 funds withheld are deemed to be an offset against the training  
14 funds provided pursuant to this article.

15 (4) It provides in-house professional development that focuses  
16 primarily on the following:

17 (A) The mathematics or English language arts content  
18 standards adopted by the state board pursuant to Section 60605.

19 (B) The curriculum frameworks adopted by the state board for  
20 mathematics and English language arts.

21 (C) The use of instructional materials that will be used by  
22 pupils and are aligned to the mathematics or English language  
23 arts content standards adopted by the state board pursuant to  
24 Section 60605.

25 (D) The training shall include instructional strategies designed  
26 to help all pupils gain mastery of the California academic content  
27 standards, with special emphasis on English language learners  
28 and pupils with exceptional needs.

29 (5) It provides the data elements required pursuant to Section  
30 99240.

31 (b) As an additional condition of receipt of funds for purposes  
32 of Section 99234, a local education agency shall certify that:

33 (1) Forty hours of professional development based on the  
34 statewide academic content standards adopted pursuant to  
35 Section 60605, the Mathematics and Reading/English Language  
36 Arts frameworks adopted by the State Board of Education, and  
37 instructional materials adopted by the state board or  
38 standards-aligned instructional materials and 80 hours of  
39 followup instruction, coaching, or additional schoolsite  
40 assistance, in mathematics or reading, based upon the individual

1 school needs, as appropriate, was provided to teachers who meet  
2 the criteria specified in paragraphs (1) and (2) of subdivision (a)  
3 of Section 99233.

4 (2) Forty hours of reading or English language arts  
5 professional development that includes strategies to help all  
6 pupils gain mastery of the California content standards and based  
7 on the statewide academic content standards adopted pursuant to  
8 Section 60605, the Reading/English Language Arts framework  
9 adopted by the State Board of Education, and instructional  
10 materials adopted by the state board or standards-aligned  
11 instructional materials, and 80 hours of followup instruction,  
12 coaching, or additional schoolsite assistance, based upon the  
13 individual teacher or school needs, was provided to teachers who  
14 meet the criteria specified in paragraphs (3) and (4) of  
15 subdivision (a) of Section 99233.

16 (3) Forty hours of professional development in mathematics  
17 based on the statewide academic content standards adopted  
18 pursuant to Section 60605, the Mathematics framework adopted  
19 by the State Board of Education, instructional strategies designed  
20 to help all pupils gain mastery of the California academic content  
21 standards, and instructional materials adopted by the state board  
22 or standards-aligned instructional materials, and 80 hours of  
23 followup instruction, coaching, or additional schoolsite  
24 assistance, based upon the individual teacher or school needs,  
25 was provided to teachers who meet the criteria specified in  
26 paragraphs (5) and (6) of subdivision (a) of Section 99233.

27 (c) If, as the result of a program audit, it is found that the  
28 participating local education agency served fewer participants  
29 than it was funded to serve, the Superintendent of Public  
30 Instruction shall withhold from the next monthly principal  
31 apportionment payment to the local education agency an amount  
32 proportional to the amount of funding associated with the number  
33 of teachers that were not served.

34 (d) If, as the result of a program audit, it is found that the  
35 training provided by the local education agency or the provider  
36 with whom it contracted did not meet the requirements of  
37 paragraph (4) of subdivision (a), the Superintendent shall  
38 withhold from the next monthly principal apportionment  
39 payment to the local education agency an amount equal to the

1 amount of funding associated with the training that was not  
2 aligned to state standards and curriculum frameworks.

3 (e) It is the intent of the Legislature that audits referenced in  
4 subdivisions (c) and (d) be conducted as part of a compliance  
5 audit performed in accordance with Sections 14503, 14508, and  
6 41020.

7 SEC. 7. Section 99237.5 is added to the Education Code, to  
8 read:

9 99237.5. (a) (1) For the purposes of this section, the  
10 Superintendent of Public Instruction shall provide funding to  
11 local education agencies, with the approval of the State Board of  
12 Education, to provide professional development in reading  
13 language arts and mathematics to teachers of English language  
14 learner pupils. The criteria for the provision of funding shall  
15 include quality standards for the persons who train others to  
16 perform professional development training and for those who  
17 provide the training. Training providers shall have knowledge of  
18 the English language arts content standards, the mathematics  
19 content standards, the English language development standards,  
20 and second language acquisition skills. All providers shall have a  
21 thorough knowledge of all of the following instructional  
22 materials:

23 (A) The required state board adopted programs for  
24 kindergarten to grade 8, inclusive.

25 (B) The English language development components of the  
26 state board adopted programs for kindergarten and grades 1 to 8,  
27 inclusive.

28 (C) The standards-aligned programs purchased by local  
29 education agencies for grades 9 to 12, inclusive.

30 (D) A means of incorporating the supplemental instructional  
31 materials adopted pursuant to the Budget Act of 2004 and  
32 pursuant to Chapter 79 of the Statutes of 2006, designed to assist  
33 English learner pupils become proficient in reading, writing, and  
34 speaking English.

35 (2) For purposes of this section, “trainer provider” is defined  
36 as a currently or prospectively approved provider who may  
37 contract with a local education agency to offer any of the  
38 following:

39 (A) The 40 hours of training as authorized in Section 99237.

1 (B) The 40 hours of training authorized in Section 99237, in  
2 addition to the 40 hours of training for teachers of English learner  
3 pupils authorized in this section.

4 (C) The 40 hours of training authorized in Section 99237, in  
5 addition to the 40 hours of training for teachers of English learner  
6 pupils authorized in this section and the follow-up training  
7 authorized in Section 99237.

8 (3) Nothing in this section shall be construed to preclude  
9 training providers to apply to only offer the 40 hours of training  
10 for teachers of English language learner pupils.

11 (4) The State Department of Education, no later than January  
12 1, 2007, shall establish the criteria for the professional  
13 development offered pursuant to this section. The professional  
14 development training shall include, but not necessarily be limited  
15 to, all of the following characteristics:

16 (A) It shall be sufficient in scope, depth, and duration to fully  
17 equip teachers with comprehensive instructional strategies using  
18 state board adopted instructional materials, including the  
19 universal access components of the state board adopted  
20 programs.

21 (B) It shall include English Language Development  
22 components of the state board adopted programs, and also  
23 provide strategies to differentiate instruction as needed in the  
24 basic programs, including, but not necessarily limited to, English  
25 language proficiency levels as measured by the California  
26 English Language Development Test.

27 (C) It shall include strategies to use supplementary materials  
28 with the state board adopted program to meet the needs of  
29 English language learner pupils.

30 (D) It shall be capable of delivering a thorough knowledge of  
31 the core academic content standards using the English language  
32 development standards to deliver instruction, as applicable.

33 (b) From funds appropriated pursuant to provision (2) of Item  
34 6110-137-0001 of Section 2.00 of the Budget Act of 2006 (ch.  
35 47, stats. 2006) for the purposes of this section, the  
36 Superintendent of Public Instruction shall award funding to  
37 provide eligible elementary and secondary teachers with 40 hours  
38 of instruction, follow-up instruction, and support in areas  
39 including, but not necessarily limited to, all of the following:

40 (1) Vocabulary development.

1 (2) Writing development.

2 (3) Core academic standards and English Language  
3 Development Standards.

4 (4) Comprehensive instructional strategies using state board  
5 adopted instructional materials, including the universal access  
6 components of the state board adopted programs.

7 (5) Analyzing achievement of English learners to improve  
8 pupil performance through the use of multiple measures  
9 including state and local pupil assessment instruments and the  
10 Standardized Testing and Reporting (STAR) Program.

11 (6) English Language Development targeted to the pupils'  
12 English language proficiency level as measured by the California  
13 English Language Development Test.

14 (7) Early intervention techniques for pupils experiencing  
15 difficulty.

16 (8) Instructional strategies to teach essential content to address  
17 the varied learning needs of English learner pupils, including the  
18 different proficiency levels of English language learner pupils as  
19 determined by the California English Language Development  
20 Test.

21 (9) Any additional instruction and training areas that may be  
22 considered to improve pupil learning and achievement based  
23 upon the needs of participating teachers.

24 (c) All local education agencies are eligible to participate in  
25 the professional development training for teachers of English  
26 language learner pupils authorized pursuant to this section.  
27 Priority in funding shall be awarded to any local education  
28 agency that meets one or more of the following criteria:

29 (1) Twenty percent or more of its total enrollment is English  
30 language learner pupils.

31 (2) It has one or more schools identified as in program  
32 improvement under the federal No Child Left Behind Act of  
33 2001 (20 U.S.C. Secs. 6301 et seq.).

34 (3) It has one or more schools that have not met their English  
35 language learner subgroup targets pursuant to Section 52052.

36 (d) In order to be eligible to participate in the training  
37 described under this section, a teacher shall have completed 40  
38 hours of professional development training pursuant to Section  
39 99237, at any prior time. As a condition of receipt of funding to  
40 provide the professional development described in this section, a

1 local education agency shall submit a certified assurance to the  
2 State Board of Education, signed by the appropriate agency  
3 official and approved in a public session by the governing body  
4 of the agency, declaring that the teachers who participated in the  
5 professional development for teachers of English language  
6 learner pupils described in this section have previously  
7 completed 40 hours of professional development pursuant to  
8 Section 99237.

9 (e) A teacher who has completed 40 hours of professional  
10 development for teachers of English learner pupils described in  
11 this section shall have the option of allowing this participation to  
12 fulfill 50 percent of the 80 hours of follow-up training required  
13 pursuant to Section 99237.

14 (f) The Superintendent of Public Instruction shall allocate  
15 funding appropriated for the purposes of professional  
16 development training for teachers of English language learner  
17 pupils, as described in this section, in the amount of one thousand  
18 two hundred fifty dollars (\$1,250) per qualifying teacher. The  
19 Superintendent of Public Instruction shall provide the funding to  
20 eligible local education agencies upon the provision, to qualified  
21 teachers, of the 40 hours of training described in this section. Of  
22 the funding allocated pursuant to this subdivision, a local  
23 educational agency may not use more than five hundred dollars  
24 (\$500) of the per-teacher amount to provide an individual teacher  
25 stipend.

26 (g) (1) On or before April 1, 2007, the Superintendent of  
27 Public Instruction shall submit estimates of both of the following  
28 to the Department of Finance and the Legislature:

29 (A) The number of teachers who intend to participate in the  
30 professional development for teachers of English language  
31 learner pupils as described in this section, but who have not  
32 already participated in professional development offered  
33 pursuant to Section 99234.

34 (B) The number of teachers who intend to participate only in  
35 the professional development offered pursuant to Section 99234.

36 (2) The report prepared under this subdivision shall estimate  
37 the cost of accommodating the teachers referenced in  
38 subparagraphs (A) and (B) of paragraph (1). If the  
39 Superintendent of Public Instruction finds that the cost of  
40 accommodating the numbers estimated in the report exceeds the



1 amount of funding available pursuant to the Budget Act of 2006  
2 for the professional training authorized pursuant to Section  
3 99234, the Superintendent of Public Instruction shall notify the  
4 Department of Finance and the Legislature of the need to transfer  
5 funds from those appropriated for professional development for  
6 teachers of English language learner pupils under Provision 2 of  
7 Item 6110-137-0001 of Section 2.00 of the Budget Act of 2006  
8 in order to accommodate providing the 40 hours of training  
9 authorized pursuant to Section 99237 for teachers of English  
10 language learner pupils.

11 (h) (1) The Superintendent of Public Instruction shall appoint  
12 an advisory committee, consisting of at least eight members, in  
13 order to ensure the quality and effectiveness of the training  
14 provided pursuant to this section. The advisory committee shall  
15 be made up of elementary and secondary teachers and teachers of  
16 English language learner pupils, schoolsite and school district  
17 administrators, representatives from higher education,  
18 researchers, and representatives from county offices. The  
19 majority of advisory committee members shall have expertise in  
20 second language acquisition and experience in teaching the  
21 academic content standards and English Language Development  
22 standards.

23 (2) The advisory committee shall make recommendations to  
24 the Superintendent of Public Instruction, including, but not  
25 necessarily limited to, all of the following:

26 (A) Training criteria.

27 (B) Training providers.

28 (C) Implementation of the program.

29 (D) Whether or not this type of training to teachers of English  
30 learners in other subjects besides reading and mathematics is  
31 appropriate.

32 (3) The Superintendent of Public Instruction shall make any  
33 recommendations made by the advisory committee available to  
34 the Legislature and the Governor upon request. To the extent  
35 practicable, the Superintendent of Public Instruction shall use the  
36 advisory committee established under the English Language  
37 Learner Acquisition and Development Pilot Program pursuant to  
38 Section 420, if that section is added in the 2005–06 Regular  
39 Session of the Legislature.

1 (i) The Superintendent of Public Instruction shall include  
2 information on this training in the reports provided to the  
3 Legislature pursuant to Section 99240.

4 SEC. 8. Section 99238 of the Education Code is repealed.

5 SEC. 9. Section 99240 of the Education Code is amended to  
6 read:

7 99240. (a) By June 30, 2008, the department shall submit,  
8 subject to review and approval by the state board, a report to the  
9 Legislature regarding the program established pursuant to this  
10 article. The report shall, at a minimum, detail all of the  
11 following:

12 (1) The number of teachers, by credential type, who have  
13 received training offered pursuant to this article.

14 (2) The number of instructional aides and paraprofessionals  
15 who directly assist with classroom instruction in mathematics or  
16 reading who have received training offered pursuant to this  
17 article.

18 (3) The entities that have received funds for the purpose of  
19 offering training pursuant to this article, and the number of  
20 teachers, instructional aides, and paraprofessionals who directly  
21 assist with classroom instruction in mathematics or reading,  
22 respectively, that each has trained.

23 (4) Information detailing the effectiveness of the program  
24 established pursuant to this article. This information shall, at a  
25 minimum, incorporate survey data concerning program  
26 effectiveness and preprogram and postprogram pupil  
27 achievement that has been gathered from program participants  
28 and school principals.

29 (5) To the extent that information is available, information  
30 detailing, by credential type, the retention rate of teachers who  
31 participated in training offered pursuant to this article. The  
32 information shall, at a minimum, incorporate sample data  
33 concerning teachers who are no longer in the profession.

34 (6) To the extent that information is available, information  
35 detailing the retention rate of instructional aides and  
36 paraprofessionals who directly assist with classroom instruction  
37 in mathematics, reading, science, or social science who  
38 participated in training offered pursuant to this article. The  
39 information shall, at a minimum, incorporate sample data  
40 concerning aides who are no longer in the profession, as well as

1 aides who have obtained a teaching credential subsequent to the  
2 training.

3 (b) By December 31, 2012, the department shall submit,  
4 subject to review and approval by the state board, a report to the  
5 Legislature regarding the program established pursuant to this  
6 article. The report shall, at a minimum, detail the following:

7 (1) The number of teachers, by credential type, who received  
8 training offered pursuant to this article.

9 (2) The number of instructional aides and paraprofessionals  
10 who directly assist with classroom instruction in mathematics or  
11 reading who received training offered pursuant to this article.

12 (3) The entities that received funds for the purpose of offering  
13 training pursuant to this article and the number of teachers,  
14 instructional aides, paraprofessionals who directly assist with  
15 classroom instruction in mathematics or reading, respectively,  
16 that each has trained.

17 (4) Information detailing the effectiveness of the program  
18 established pursuant to this article. This information shall, at a  
19 minimum, incorporate survey data concerning program  
20 effectiveness and preprogram and postprogram pupil  
21 achievement that has been gathered from program participants  
22 and school principals.

23 (5) To the extent that information is available, information  
24 detailing, by credential type, the retention rate of teachers who  
25 participated in training offered pursuant to this article. The  
26 information shall, at a minimum, incorporate sample data  
27 concerning teachers who are no longer in the profession.

28 (6) To the extent that information is available, information  
29 detailing the retention rate of instructional aides and  
30 paraprofessionals who directly assist with classroom instruction  
31 in mathematics or reading who participated in training offered  
32 pursuant to this article. The information shall, at a minimum,  
33 incorporate sample data concerning aides who are no longer in  
34 the profession, as well as aides who have obtained a teacher  
35 credential subsequent to training.

36 SEC. 10. Section 99241 of the Education Code is repealed.

37 SEC. 11. Section 99242 of the Education Code is amended to  
38 read:

39 99242. This article shall become inoperative on July 1, 2012,  
40 and, as of January 1, 2013, is repealed, unless a later enacted

1 statute, that becomes operative on or before January 1, 2013,  
2 deletes or extends the dates on which it becomes inoperative and  
3 is repealed.

4 SEC. 12. It is the intent of the Legislature:

5 (a) That providers of the training provided pursuant to  
6 subdivision (d) of Section 99234 of the Education Code and  
7 subdivision (a) of Section 99235 of the Education Code, as  
8 approved by the State Board of Education, shall primarily  
9 emphasize the statewide academic content standards adopted  
10 pursuant to Section 60605 of the Education Code. This emphasis  
11 includes ensuring that providers of training do not solely rely on  
12 the state-adopted instructional materials in their training sessions  
13 as the sole resource for teaching the statewide academic content  
14 standards.

15 (b) To work with the State Board of Education and the State  
16 Department of Education to achieve the goals set forth in  
17 subdivision (a).

18 SEC. 13. The sum of one hundred twenty thousand dollars  
19 (\$120,000) is hereby appropriated, without regard to fiscal year,  
20 from the General Fund to the Superintendent of Public  
21 Instruction for the purposes of the administration, by the State  
22 Department of Education, of the Mathematics and Reading  
23 Professional Development Program (Article 3 (commencing with  
24 Section 99230) of Chapter 5 of Part 65 of the Education Code).  
25 The department is authorized to establish a position for these  
26 purposes.

27 ~~SEC. 14. This act is an urgency statute necessary for the~~  
28 ~~immediate preservation of the public peace, health, or safety~~  
29 ~~within the meaning of Article IV of the Constitution and shall go~~  
30 ~~into immediate effect. The facts constituting the necessity are:~~

31 ~~In order to ensure the continuous operation of the Mathematics~~  
32 ~~and Reading Professional Development Program, which, under~~  
33 ~~existing law, becomes inoperative on July 1, 2006, it is necessary~~  
34 ~~that this act take effect immediately.~~